

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**UNITED STATES OF
AMERICA,**

**Case No. 19-mc-51584
Hon. Mark A. Goldsmith**

v

**D-1 BRIAN LOREN,
D-2 RYAN LOREN,
D-3 KAYLA LOREN,
D-4 JAIME JOHNSON,**

**OPPOSITION TO THE ENTRY OF THE ORDER COMPELLING
WITNESS TO TESTIFY**

NOW COMES the Witness subject to the Order to Compel, Lorena Loren, by and through her attorney, Patricia A. Maceroni, and states the following in opposition to the entry of the order to compel. As this Honorable Court may recall, Ms. Loren pled guilty in Case #17-20527 to one count of Conspiracy to Commit Federal Program Fraud, contrary to 18 U.S.C. Sect. 371. On March 21st, 2018, this Court sentenced Mrs. Loren to serve 37 months in the Bureau of Prisons.

As this Court may recall, Mrs. Loren was diagnosed with breast cancer before she reported to the Bureau of Prisons. Unfortunately, the breast cancer has progressed during her incarceration. Her prognosis is grave-which is one of the

reasons the Government requested that the Rule 15 Deposition proceed. Since the Government brought Mrs. Loren back into the Eastern District of Michigan, she has been incarcerated at the Livingston County Jail. Several times she has been sent to St. Joseph Mercy Hospital in Ann Arbor due to complications from the breast cancer. On October 5, 2019, Mrs. Loren was taken to the hospital because she passed out and hit her head. Blood tests revealed a high level of calcium in her blood, which led to her losing consciousness. The calcium was due to the spread of the cancer into her bones. Once invaded by the cancer, the bone marrow releases calcium into the blood stream which cannot be filtered out by the kidneys. The most recent records received by Counsel reflect that Mrs. Loren's cancer has metastacized. Specifically, the cancer is "throughout the cervical spine and upper thoracic spine."¹

Mrs. Loren now receives weekly chemotherapy treatments at St. Joseph Mercy Hospital. The last time Counsel visited her at the Livingston County Jail, she was confined to a wheelchair. She is physically weak, nauseous from the chemo and in physical pain. Because she is at the county jail, she cannot receive an IV with pain medication. She can only take the oral medication.

Mrs. Loren wants to be sent back to the BOP as soon as possible. The BOP

¹CT Scan of October 5, 2019.

medical facilities will be able to provide her with the palliative care she requires. She has told Counsel that she will answer the questions posed to her to the best of her ability, but her memory has been affected by the medications she has taken. Also, sitting for extended periods of time is extremely painful given the spread of the cancer into her spine.

The Government had initially scheduled the deposition to begin on Friday, November 1, 2019. The deposition could not begin that day, because Mrs. Loren was in the hospital. Counsel objects to the Order to Compel because should Mrs. Loren be deemed well enough to be transported to the courthouse for the deposition, but then because of her physical and mental states not be able to fully answer the questions presented to her, she does not want to be in violation of the Court's order.

Additionally, while the Court has granted the Government's requested Rule 15 deposition, Counsel believes that may have been before the spread of Mrs. Loren's cancer was diagnosed. Certainly, the order was entered before the current course of chemotherapy began. Mrs. Loren's weak physical condition, continued pain and reactions to the chemotherapy regime are significant. Her physical and mental abilities to fully participate in the deposition have been impacted greatly by the continued spread of the cancer. Lorena Loren will do her best to answer the

questions put to her by the Government, should she be physically able to travel to the U.S. Courthouse. However, the spread of the cancer and resulting physical and mental impacts she is experiencing are beyond her control. Therefore, she is respectfully requesting that the order compelling her to testify not be entered.

Respectfully Submitted,

s/Patricia A. Maceroni
Patricia A. Maceroni (P44124)
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DATE: November 4, 2019

Proof of Electronic Service

The undersigned hereby states that she did file a copy of the foregoing electronically with the Clerk of the Court of the U.S. Eastern District and said Clerk shall cause a copy to be served upon all counsel of record.

s/Patricia A. Maceroni
Patricia A. Maceroni